

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KRISTA PEOPLES,

**Plaintiff,**

NO. C18-1173RSL

V.

UNITED SERVICES AUTOMOBILE  
ASSOCIATION, *et al.*,

### Defendants.

**ORDER DENYING PLAINTIFF'S  
MOTION FOR APPROVAL OF  
CLASS NOTICE**

This matter comes before the Court on plaintiff's motion to approve her proposed class notice. Dkt. # 69. At present, the viability of plaintiff's claim under the Consumer Protection Act has been certified to the Washington Supreme Court, and the issue of whether a class will be certified to pursue the breach of contract claim has yet to be resolved. Once the litigation posture of this case has been established, including the nature of the claims and the propriety of class treatment, this case, like Stedman v. Progressive Ins. Co., C18-1254RSL, will be stayed to await the Supreme Court's ruling regarding the CPA claim.<sup>1</sup>

<sup>1</sup> This case was not stayed along with Stedman only because there was a motion for class certification pending at the time. In the intervening months, plaintiff continued to file procedural motions - first to amend the complaint, then to seek class certification regarding the new claim. There is no reason to proceed substantively, however, until the Supreme Court determines whether the CPA claim is viable and the undersigned determines whether the breach of contract claim is susceptible to class treatment.

The Court will not approve a class notice or force either party to bear the costs of service when both the content of and need for notice are yet to be resolved. Plaintiff's motion is DENIED as premature.

Dated this 15th day of October, 2019.

Mrs Casnik

Robert S. Lasnik  
United States District Judge

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